

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Mary Cooper, and Robert Jurca, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the minutes of January 8, 2008 as submitted by the Clerk. All in favor, motion carried.

Appointment of Councilmember At-Large

Mayor Seuell explained that Council had interviewed Gerald Roberts, Guy Pfalzgraff, and Charles Burruss for the At-Large Council seat left vacant by the resignation of Jim Berger.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to appoint Guy Pfalzgraff to the vacant Council seat. All in favor, motion carried.

Oath of Office

City Clerk Mary Lynn Williams administered the Oath of Office to Mr. Pfalzgraff and he took his seat at the Council table.

Citizen Comments

Dennis Phillips addressed Council concerning the hiring of golf pro for Devil's Thumb Golf Course. He urged Council not to lower the standards originally established for the position.

Dave Beneteau requested the City's support and participation in building an ice rink in Delta.

Financial Report

Finance Director Tod DeZeeuw presented the financial report for the period ended December 31, 2007.

Public Hearing: Special Events Liquor Permit Application; Delta County Memorial Hospital Foundation

Mayor Seuell recessed the Regular Meeting and opened the public hearing.

The Clerk explained that the Delta County Memorial Hospital Foundation has applied for a special events liquor permit for their fund raising event to be held at the new Grand Mesa Oncology Infusion and Education Center on March 8, 2008. A sign notifying the public of tonight's hearing has been posted at the site for at least ten days as required by law. No comments, either for or against the approval of the application, have been received.

The Mayor called for public comment. When there was none, he closed the public hearing and reconvened the Regular Meeting.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the Delta County Memorial Hospital Foundation's application for a special events liquor permit for March 8, 2008. All in favor, motion carried.

Stout Building Contractors Request to Amend PUD Portion of City Code

City Manager Sloan reported that Stout Building Contractors wishes to construct a 10,000 square foot building within the Safeway Center PUD. The largest building lot in the PUD would

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Stout Building Contractors Request (Cont.)

allow for a building of only 8,400 square feet. The contractors propose to reduce the maximum building size in another lot in the PUD sufficiently (to 6,800 square feet) so as not to increase the total size of buildings in the PUD.

The City's PUD regulations allow certain modifications to be made to an adopted PUD plan, but only under certain conditions. Section 17.72.080 provides for minor modifications if required by engineering or other circumstances not foreseen at the time the Planned Unit Development was approved, so long as the modification does not result in an increase of more than five percent in the floor area for nonresidential use of a commercial or industrial nature.

Mr. Sloan stated that in the proposed project, there are no engineering or other unforeseen circumstances which would allow a modification of the plan. In any case, the requested increase in size is well in excess of five percent.

An amendment to the City Code would be required in order to approve the Stout Building Contractors project. Staff recommended denial of the request to amend the Code.

Nate Lechtenberg presented Stout Building Contractors' request. He stated that other cities have procedures in place which provide for amending PUD site plans in both major and minor fashions. He asked Council to consider an amendment to Delta's code allowing amendment of PUD site plans.

There was considerable discussion of the pros and cons of amending the City Code as requested. The benefits suggested by the contractors included the following:

- Since many retailers need larger buildings, allowing a larger building on this site would make it more "saleable."
- Construction of a retail business on the site would mean more sales tax for the City.
- Allowing more flexibility for PUD site plans would mean the City is "developer friendly."

Draw-backs to amending the Code which were mentioned in the discussion included the following:

- The requested amendment to the City Code would affect all current and future PUDs in the City of Delta.
- PUDs are complicated development plans which include infrastructure, building pad layouts, parking spaces, traffic patterns, and other aspects of development. Any changes would probably need to be brought in as new PUD applications at considerable expense.
- Making changes to an existing PUD, such as the Safeway Center, could negatively affect already existing businesses.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca that the request be sent to the Planning Commission and staff for review and a recommendation be made to City Council for possible changes. Voting aye: Councilmembers Carlquist, Cooper, Jurca and Seuell. Councilmember Pfalzgraff voted nay. Motion carried.

Intergovernmental Agreement with Delta County Clerk for April 1, 2008 Election

The Clerk explained that the agreement with the County Clerk for the 2008 election is essentially the same as the one used for the mail ballot election in 2006. She went on to report that during a recent meeting with the Clerk and Recorder, she learned that the scanning equipment which the County uses to count the ballots is subject to retesting by order of the Secretary of State. The County Clerk's office is in the process of applying for temporary approval for this equipment from the Secretary of State. If such approval is not forthcoming, the ballots will be counted by hand, which could increase costs.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to authorize the City Clerk to execute the Intergovernmental Agreement with the Delta County Clerk and Recorder for the April 1, 2008 mail ballot election. All in favor, motion carried.

Resolution #2, 2008; Referring a Question to the Voters at the April 1, 2008 Election

City Manager Sloan explained that in 1991, City voters passed a 1% sales tax to be used for the construction, operation and management of a City recreation center. ¾% of this tax "sunset"

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Resolution #8, 2008 (Cont.)

on December 31, 2011. Staff is asking Council to approve a ballot question for the April election asking for authorization to continue the tax through December 31, 2020, to be used for the operation and maintenance of Bill Heddles Recreation Center.

Resolution #2, 2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA REFERRING TO CITY VOTERS AT THE APRIL 1, 2008 REGULAR MUNICIPAL ELECTION A QUESTION CONCERNING EXTENSION OF THE RECREATION CENTER SALES TAX [REFERRED MEASURE A]

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to adopt Resolution #2, 2008. Roll call vote: Councilmembers Pfalzgraff, aye; Carlquist, aye; Cooper, aye; Jurca, aye; and Seuell, aye. Motion carried.

Sale of Vacant Properties at 625 and 629 11th Street Hill

Assistant City Manager Steve Glammeyer reported that the City acquired these two lots on 11th Street Hill as a part of the Tamarac Subdivision in the 1980's. In 1994, lots 1 through 6 of the subdivision were sold to a developer, but the City retained lots 7 and 8. Mr. Glammeyer stated that the City has no need for these lots, but must continue to keep them free of weeds and trash. Last year, Council authorized staff to offer the lots for sale. A buyer interested in both lots has offered \$30,000 for each.

The Assistant Manager explained that the City Charter gives Council the authority to sell City-owned property by ordinance upon finding that it is not needed for any public purpose. Staff asked Council to direct the City Attorney to draft ordinances authorizing the sale of the two lots for the next Council meeting.

It was moved by Councilmember Carlquist and seconded by Councilmember Cooper to direct the City Attorney to draft the ordinances needed to permit sale of the vacant properties at 625 and 629 11th Street Hill. All in favor, motion carried.

Chazco Minor Subdivision

Councilmember Pfalzgraff explained that before his appointment to the City Council, he was a member of the Planning Commission and participated in making the Planning Commission recommendations on both the two following items. He recused himself in both cases and left the room.

Community Development Director Glen Black reported that Chazco, Inc., represented by Jehn Engineering has submitted a final plat for a minor subdivision located south of Highway 92, east of Stafford Lane, and north of Crawford Avenue. The final plat would create three lots.

The Planning Commission reviewed the subdivision at their December 3, 2007 meeting and recommended approval subject to the following conditions:

- Water, sewer and fire hydrant improvements must be constructed and accepted prior to recording the final plat. One wet stamped mylar set and one wet stamped paper set of as-built (record) drawings must also be provided.
- All fees, (PILP, water tapping, etc.) must be paid prior to filing the final plat.
- All corrections must be made to the final plat as redlined by staff, and two signed mylar copies must be accepted.
- All applicable requirements of the City Code, standards, and specifications must be met.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the Chazco Minor Subdivision as recommended by the Planning Commission. All in favor, except Councilmember Pfalzgraff, who abstained. Motion carried.

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Planning Commission Recommendation Concerning Application for Rezoning of Lots 11-15, Garnet Hillside Estates Subdivision

The Community Development Director explained that an application for rezoning of lots 11-15 of Garnet Hillside Estates Subdivision from R-2 to R-3 in order to allow for the building of multi-family triplexes was reviewed by the Planning Commission at their January 7, 2008 meeting.

Mr. Black stated that following the public hearing on the application, the Planning Commission recommended against approving the change in zoning. The review procedures outlined in the City Code (Section 17.04.290) require such recommendations to be submitted to the City Council who may “without further review implement such recommended change by adoption of a rezoning ordinance or take no action if no change is recommended, unless an appeal is filed....” Mr. Black reported that no appeal had been filed and recommended that Council take no action on this item.

It was moved by Councilmember Carlquist and seconded by Councilmember Cooper to take no action on this item and move on to the next Agenda item. All in favor, except Councilmember Pfalzgraff, who abstained. Motion carried.

Councilmember Pfalzgraff returned and took his seat at the Council table.

Discussion of Miscellaneous Code Changes

Director Black briefly reviewed a memo he had written concerning miscellaneous changes he is recommending be made to the City Code and asked Council to direct staff to prepare an ordinance implementing these changes.

It was moved by Councilmember Cooper and seconded by Councilmember Carlquist to direct staff to make the Code changes outlined in Mr. Black's memo. All in favor, motion carried.

City Attorney Comments

City Attorney Schottelkotte noted that he would be away the first week in February, returning on February 12, 2008.

Mr. Schottelkotte also reported on a partition action in which the City had intervened. The case was dismissed.

City Manager Comments

Manager Sloan stated that Jim Berger was the City's Project 7 representative, so Council needs to consider appointing someone to take his place at Project 7 meetings. Councilmember Cooper volunteered.

The City Manager reported that the City is asking the citizens of Delta to participate in the “Name the New Alternate Truck Route Contest” to name Delta's soon-to-be-newest street. Ideas are to be submitted by noon on February 15, with the winner to be announced on February 25. Only City residents and business owners are eligible to compete. City employees are not eligible. The winning entry will receive a \$100 prize and a street sign.

Councilmember Comments

Councilmember Pfalzgraff thanked Council for his appointment. Council welcomed him to the board.

Mayor Seuell pointed out that presidential caucuses will be held on February 5, 2008, beginning at 7:00 p.m. This is the date of the next regular Council meeting, and he wondered if Council would be willing to change the meeting so that those who wish to do so can participate in the caucuses. Council agreed to meet at 5:00 p.m. on February 5, and to keep the Agenda for that meeting as short as possible.

Executive Session

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to convene an Executive Session for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open

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Executive Session (Cont.)

session; any member of the City Council or any elected office; the appointment of any person to fill an office of the City Council or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 8:45 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 9:25 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Guy Pfalzgraff, Kay Carlquist, Mary Cooper, and Robert Jurca, along with City Manager Lanny Sloan. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was adjourned at 9:27 p.m.

Mary Lynn Williams, CMC, City Clerk